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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[29 February 1996]

Draft principles on human rights and the environment

1. Since the natural environment supports the very existence of humans as irreducibly social beings, the draft principles on that subject prepared by the Special Rapporteur, Mrs. Fatma Zohra Ksentini, and annexed to document E/CN.4/Sub.2/1994/9, must be considered an urgent and vital stage in the codifying of human rights and duties. Clearly there has to be a legally binding global instrument in this field and this is a pioneer step towards creating one.

2. In the present global climate, the drafting of such international legal instruments suffers several handicaps. One is that the subject itself is not precisely defined, so that ideals are arrived at empirically and in the abstract.

3. The Covenant on Economic, Social and Cultural Rights offers a classic model. This vital instrument, too, sets out effective but abstract standards, which - in a rich world of mass unemployment and government insolvency - are attained so far, even roughly, by practically no country. At least one advanced State does not believe in this class of economic rights and, like some other developed States, votes against a right to development.

4. While much international activity stresses the problems of developing countries, it is in fact today's increasingly competing rich States that account for the bulk of environmental degradation and resource wastage. There even "voluntary" measures are accepted, if at all, with great reluctance - simply because their competitive stance is enforced by an outdated economic system and international order, and not by any human wish to sack the environment.

5. What does all this imply? From the above standpoint, these draft principles offer a sound basis for action on familiar lines; but because this particular subject enters a specific field of inquiry, it would seem that some reference to more precise definitions could be helpful.

6. First, a distinction between natural and social environments appears necessary. In paragraphs 5 to 10 the draft principles rightly stress the need to state the right to freedom from degradation of basic natural resources - air, soil, water, flora and fauna - in respect to the rights to life, health and work. Thus health is often at hazard from lack of clean air, clean water or adequate working conditions. But, deteriorating social environments aggravated in their effects since 1990 - not just by lack of capital investment and mass long-term and youth unemployment, but now too by the consequences of unregulated part-time, temporary, home or contract working in advanced States - are becoming a factor in mental as well as physical ill-health. In selected recent periods mental illness, violent crime, prison suicides and total indictable offences have all tended to rise, in countries like the United Kingdom, at average annual rates two to four times that of economic growth. Since 1990, imitative but seemingly motiveless killings have also been on the increase. In some advanced States, a recent switch to unregulated home, temporary, part-time and contract working is thus a new, hidden factor involving non-observance of basic economic and social rights.

The possible role of definitions

7. As well as distinguishing natural from social environments, it may be useful to recognize different classes of natural resources. Some definitions from Global Political Ecology, by Adam Swift (Pluto Press, London and Boulder, Colorado, 1993), serve to show how close the links are between economic and social rights and those that are environmentally based. This new term

"political ecology" combines the concepts of human ecology - a study of economic society in its distributional and environmental context - and political economy - concerned with supply and management of material needs and wants for a polity or self-governing community.

8. As well as different types of environmental abuse, a rising number of distinct kinds of natural resources - some so far unexploited - need to be distinguished. It would seem that both the field of concern and the situational context of environmental rights could well be specified more clearly. To aid precision, it may be useful to consider appending some basic explanatory statement to the final international instrument covering environmental rights.

9. One last point. Privatizing vital public utilities like water and certain energy supplies - for ideological or short-term financial reasons and without public consultation - can offer a major potential source of rights abuse common to economic and social rights and to environmental rights alike. Although energy supply is a major cause of environmental decay, the rights aspect of this widespread new vogue has so far received little attention.